

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 09cr1336-JAH
)	
Plaintiff,)	PRELIMINARY ORDER
)	OF CRIMINAL FORFEITURE
v.)	
)	
JONATHON JESUS MILLAN (9),)	
)	
Defendant.)	

WHEREAS, in the Superseding Indictment and Bill of Particulars in the above-captioned case, the United States sought forfeiture of all right, title and interest in specific properties of the above-named Defendant pursuant to 21 U.S.C. § 853 as properties constituting and derived from proceeds the Defendant obtained directly or indirectly as the result of the commission of the violation of Title 21, United States Code, Sections 846 and 841(a)(1) as charged in the Superseding Indictment, or were used or intended to be used in any manner or part to commit and to facilitate the commission of such violation; and

WHEREAS, on or about September 25, 2009, the above-named Defendant, JONATHON JESUS MILLAN (9) ("Defendant"), pled guilty to Count 1 of the Superseding Indictment before Magistrate Judge Louisa S. Porter, which plea included consent to the criminal forfeiture allegation pursuant to Title 21 as set forth in the Superseding Indictment; and

WHEREAS, on or about October 5, 2010, the plea of the Defendant was accepted by the U.S. District Court; and

1 WHEREAS, by virtue of the facts set forth in the plea agreement, the United States has
2 established the requisite nexus between the forfeited properties and the offense; and

3 WHEREAS, by virtue of said guilty plea, the United States is now entitled to possession
4 of said properties, pursuant to 21 U.S.C. § 853 and Rule 32.2(b) of the Federal Rules of Criminal
5 Procedure; and

6 WHEREAS, pursuant to Rule 32.2(b), the United States having requested the authority to
7 take custody of the following properties which were found forfeitable by the Court, namely:

- 8 1. United States currency in the amount of \$33,615 seized from codefendant Danny
9 Elia Saeed Daly on December 11, 2008, and having United States Drug
10 Enforcement Administration (hereafter "DEA") Asset Identification Number 09-
11 DEA-509387.
- 12 2. United States currency in the amount of \$18,468 seized from codefendant Paul
13 Loaiza on March 19, 2009, and having DEA Asset Identification number 09-DEA-
14 513702.
- 15 3. United States currency in the amount of \$3,110 seized from Dan Fleyschman on
16 March 19, 2009, and having DEA Asset Identification number 09-DEA-513704.
- 17 4. United States currency in the amount of \$1,261 seized from codefendant Paul
18 Loaiza on March 19, 2009, and having DEA Asset Identification number 09-DEA-
19 513705.
- 20 5. United States currency in the amount of \$921 seized from codefendant Zacarias
21 Felix-Cutino and having DEA Asset Identification number 09-DEA-513706.
- 22 6. Sixty-five (65) American Express Travelers Cheques having a total value of \$6,500,
23 seized from codefendant Paul Loaiza and Tatiana Maribel Torres on March 19,
24 2009, and having DEA Asset Identification number 09-DEA-513707.
- 25 7. United States currency in the amount of \$40,500 seized from codefendant Edon
26 Moyal on March 19, 2009, and having DEA Asset Identification number 09-DEA-
27 513709.
- 28 8. United States currency in the amount of \$1,500 seized from defendant Ernesto
Prado-Buzo on March 19, 2009, and having DEA Asset Identification number 09-
DEA-513733.
9. A 2007 BMW M6 automobile, seized from codefendant Paul Loaiza and Carmen
Martinez on March 19, 2009 with an estimated value of \$61,200 and having DEA
Asset Identification number 09-DEA-513772.
10. A 2003 Ford F-150 truck, seized from codefendant Paul Loaiza on March 19, 2009
with an estimated value of \$5,000.00 and having DEA Asset Identification
number 09-DEA-513854.

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11. United States currency in the amount of \$46,067 seized from codefendant Paul Loaiza on March 19, 2009, and having DEA Asset Identification number 09-DEA-513973.
12. A 2008 Mercedes Benz GL550 automobile seized from Tatiana Maribel Torres on March 27, 2009 with an estimated value of \$64,500 and having DEA Asset Identification number 09-DEA-514045.
13. A 2005 Chaparral Signature 330 Powerboat seized from Dan Fleyschman on March 27, 2009 with an estimated value of \$109,015 and having DEA Asset Identification number 09-DEA-514270.
14. United States currency in the amount of \$800 seized from codefendant Paul Loaiza on March 27, 2009, and having DEA Asset Identification number 09-DEA-515207.
15. A 2002 Jaguar X Type automobile seized from Loretta F. Peraza on March 19, 2009 with an estimated value of \$6,100 and having DEA Asset Identification number 09-DEA-515234.
16. A men's Breitling Flying B Stainless Steel Wrist Watch seized from codefendant Paul Loaiza on March 19, 2009 with an estimated value of \$7,600 and having DEA Asset Identification number 09-DEA-515868.
17. Eight items of assorted jewelry seized from codefendant Paul Loaiza and Tatiana Maribel Torres on March 19, 2009 with an estimated value of \$33,760 and having DEA Asset Identification number 09-DEA-515874.
18. A 2000 Lexus GS400 automobile seized from Ruby Espinoza on June 18, 2009 with an estimated value of \$8,450 and having DEA Asset Identification number 09-DEA-519233.
19. United States currency in the amount of \$21,000 seized from Troy Penn on November 25, 2008, and having DEA Asset Identification number 09-DEA-508670.
20. United States Currency in the amount of \$34,020 seized from Armando Quevedo-Jimenez on March 10, 2009, and having DEA Asset Identification number 09-DEA-513203; and

WHEREAS, the United States, having submitted the Order herein to the Defendant through his attorney of record, to review, and no objections having been received;

Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Based upon the guilty plea of the Defendant, the United States is hereby authorized to take custody and control of the following assets, and all right, title and interest of Defendant JONATHON JESUS MILLAN (9) in the following properties are hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n):

1. United States currency in the amount of \$33,615 seized from codefendant Danny Elia Saeed Daly on December 11, 2008, and having United States Drug Enforcement Administration (hereafter "DEA") Asset Identification Number 09-DEA-509387.
2. United States currency in the amount of \$18,468 seized from codefendant Paul Loaiza on March 19, 2009, and having DEA Asset Identification number 09-DEA-513702.
3. United States currency in the amount of \$3,110 seized from Dan Fleyschman on March 19, 2009, and having DEA Asset Identification number 09-DEA-513704.
4. United States currency in the amount of \$1,261 seized from codefendant Paul Loaiza on March 19, 2009, and having DEA Asset Identification number 09-DEA-513705.
5. United States currency in the amount of \$921 seized from codefendant Zacarias Felix-Cutino and having DEA Asset Identification number 09-DEA-513706.
6. Sixty-five (65) American Express Travelers Cheques having a total value of \$6,500, seized from codefendant Paul Loaiza and Tatiana Maribel Torres on March 19, 2009, and having DEA Asset Identification number 09-DEA-513707.
7. United States currency in the amount of \$40,500 seized from codefendant Edon Moyal on March 19, 2009, and having DEA Asset Identification number 09-DEA-513709.
8. United States currency in the amount of \$1,500 seized from defendant Ernesto Prado-Buzo on March 19, 2009, and having DEA Asset Identification number 09-DEA-513733.
9. A 2007 BMW M6 automobile, seized from codefendant Paul Loaiza and Carmen Martinez on March 19, 2009 with an estimated value of \$61,200 and having DEA Asset Identification number 09-DEA-513772.
10. A 2003 Ford F-150 truck, seized from codefendant Paul Loaiza on March 19, 2009 with an estimated value of \$5,000.00 and having DEA Asset Identification number 09-DEA-513854.
11. United States currency in the amount of \$46,067 seized from codefendant Paul Loaiza on March 19, 2009, and having DEA Asset Identification number 09-DEA-513973.
12. A 2008 Mercedes Benz GL550 automobile seized from Tatiana Maribel Torres on March 27, 2009 with an estimated value of \$64,500 and having DEA Asset Identification number 09-DEA-514045.
13. A 2005 Chaparral Signature 330 Powerboat seized from Dan Fleyschman on March 27, 2009 with an estimated value of \$109,015 and having DEA Asset Identification number 09-DEA-514270.
14. United States currency in the amount of \$800 seized from codefendant Paul Loaiza on March 27, 2009, and having DEA Asset Identification number 09-DEA-515207.

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- 1 15. A 2002 Jaguar X Type automobile seized from Loretta F. Peraza on March 19,
2 2009 with an estimated value of \$6,100 and having DEA Asset Identification
3 number 09-DEA-515234.
- 4 16. A men's Breitling Flying B Stainless Steel Wrist Watch seized from codefendant
5 Paul Loaiza on March 19, 2009 with an estimated value of \$7,600 and having DEA
6 Asset Identification number 09-DEA-515868.
- 7 17. Eight items of assorted jewelry seized from codefendant Paul Loaiza and Tatiana
8 Maribel Torres on March 19, 2009 with an estimated value of \$33,760 and having
9 DEA Asset Identification number 09-DEA-515874.
- 10 18. A 2000 Lexus GS400 automobile seized from Ruby Espinoza on June 18, 2009
11 with an estimated value of \$8,450 and having DEA Asset Identification
12 number 09-DEA-519233.
- 13 19. United States currency in the amount of \$21,000 seized from Troy Penn on
14 November 25, 2008, and having DEA Asset Identification number 09-DEA-
15 508670.
- 16 20. United States Currency in the amount of \$34,020 seized from Armando Quevedo-
17 Jimenez on March 10, 2009, and having DEA Asset Identification number 09-
18 DEA-513203.

19 2. The aforementioned forfeited assets are to be held by the United States Marshals
20 Service in its secure custody and control.

21 3. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized to begin
22 proceedings consistent with any statutory requirements pertaining to ancillary hearings and rights
23 of third parties.

24 4. Pursuant to the Attorney General's authority under Section 853(n)(1) of Title 21,
25 United States Code, Rule 32.2(b)(3), Fed. R. Crim. P., and Rule G(4) of the Supplemental Rules
26 for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States forthwith shall
27 publish for thirty (30) consecutive days on the Government's forfeiture website,
28 www.forfeiture.gov, notice of this Order, notice of the Marshals Service's intent to dispose of the
29 properties in such manner as the Attorney General may direct, and notice that any person, other
30 than the Defendant, having or claiming a legal interest in the above-listed forfeited properties must
31 file a petition with the Court within thirty (30) days of the final publication of notice or of receipt
32 of actual notice, whichever is earlier.

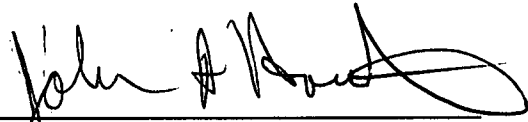
33 5. This notice shall state that the petition shall be for a hearing to adjudicate the
34 validity of the petitioner's alleged interest in the properties, shall be signed by the petitioner under

1 penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest
2 in the forfeited properties and any additional facts supporting the petitioner's claim and the relief
3 sought.

4 6. The United States may also, to the extent practicable, provide direct written notice
5 to any person known to have alleged an interest in the properties that are the subject of the
6 Preliminary Order of Criminal Forfeiture.

7 7. Upon adjudication of all third-party interests, this Court will enter an Amended
8 Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

9
10 DATED: 10-18-10

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12 JOHN A. HOUSTON, Judge
13 United States District Court
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